



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region 1  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

**UPS -- Next Day Delivery**

December 12, 2014

Mr. Kyle Murdock  
President and CEO  
Sea Hag Seafood Inc.  
56 Mussel Farm Road  
Tenants Harbor, ME 04860

**Re: Information Request Pursuant to the Clean Air Act and CERCLA  
Response Required Within Three Days of Receipt**

Dear Mr. Murdock:

As you aware, on July 30, 2014, EPA issued a Notice of Violation and Administrative Order ("Order") to Sea Hag Seafood, Inc., alleging that the company was operating its ammonia-based refrigeration system in violation of Section 112(r)(1) of the Clean Air Act ("CAA"). In August, EPA conducted a second inspection with the help of an ammonia refrigeration expert. During EPA's second inspection, in addition to complying with the Order, you agreed to immediately address deficiencies with the outdoor receiver. These deficiencies included fixing an ongoing leak from the receiver, securing the receiver to the ground, and ensuring that the pressure relief header would not release ammonia at face level. Since the second inspection, EPA has asked you several times about the status of your compliance with the Order and work on the receiver. EPA has yet to receive a satisfactory response, despite sending a warning letter on October 31, 2014 and several electronic messages. The latest of these messages was on December 9.

Yesterday, the Maine Emergency Management Agency informed EPA that the Maine Department of Environmental Protection was en route to respond to a release of ammonia at the Facility. We understand that the release injured at least one employee.

This ammonia release makes it all the more imperative that you comply with the Order and keep EPA informed of your compliance status. In addition, EPA requests more information about the December 11 release of ammonia. Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), gives EPA the authority to require a company to submit such information as EPA may reasonably require to determine its compliance with the CAA. Likewise, Section 104(e)(2), of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 604(e)(2), authorizes EPA to obtain information from companies about releases or threatened releases of hazardous substances. Responses to the enclosed list of questions (Attachment 2) must be furnished **within three days** of your receipt of this letter.

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully, or to adequately justify any failure to respond, **within three (3) days of receipt of this letter** can result in an enforcement action by EPA pursuant to Section 113 of the CAA, 42 U.S.C. § 7413, and Section 104(e)(5) of CERCLA, 42 U.S.C. § 9604(e)(5). These statutes permit EPA to seek the imposition of penalties. This reporting requirement is not subject to Office of Management and Budget review under the Paperwork Reduction Act. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties.

You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. § 2.203(b). You should read the above-cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim. If no such claim accompanies the information when it is received by EPA, the information may be made available to the public by EPA without further notice to you.

You are required to submit the above-referenced information in writing and by electronic mail to:

Mary Jane O'Donnell, Acting Manager, RCRA, EPCRA and Federal Programs Unit  
Office of Environmental Stewardship (Mail Code OES 05-1)  
U. S. Environmental Protection Agency, Region I  
5 Post Office Square, Suite 100  
Boston, Massachusetts 02109-3912

odonnell.maryjane@epa.gov

As part of your response, please complete the enclosed declaration (Attachment 1) and provide a cover letter answering each question. If you have any questions with regard to this Information Request, please contact Mary Jane O'Donnell of my staff at (617) 918-1371.

Sincerely,



Susan Studlien, Director  
Office of Environmental Stewardship

Enclosures

cc:

Jim Gaffey, EPA

Catherine Smith, Esq., EPA

## **ATTACHMENT 1**

Instructions: Complete and Include With Your Response

### **DECLARATION**

I declare under penalty of perjury that I am the

\_\_\_\_\_ of \_\_\_\_\_,  
[Title] [Name of Facility]

that I am authorized to respond on behalf of

\_\_\_\_\_, and  
[Name of Facility]

that the foregoing is a complete, true, and correct response.

Executed on \_\_\_\_\_  
[Date]

\_\_\_\_\_  
[Signature]

\_\_\_\_\_  
[Type Name and Title]



## ATTACHMENT 2

**Guidance on How to Respond.** You must submit all responsive documents. Please respond separately to each of the questions, referencing each question by number in your answer. The response must include copies of all records and information which you reference in your response or which you feel are relevant to the information being requested. "Records" and "information" and "document" means the original or an identical and readable copy thereof, and all non-identical copies (whether different from the original by reason of notation made on such copies or otherwise), of any writings or records (**including electronic records**) of any type or description, however created, produced or reproduced.

As part of your response, please complete the enclosed declaration (Attachment 1) and provide a cover letter carefully specifying what documentation is included to answer each question. (If documents requested in response to one item duplicate those requested by another question, submit only one copy of the documentation.) Your submission must be a self-explanatory, complete response that is dated and signed by an authorized facility official.

**Continuing Obligation to Provide/Correct Information.** If additional information or documents responsive to these questions become known or available after answering this request, including, but not limited to, specific information that may be deemed *unknown* at the time of your response, EPA hereby requests, pursuant to Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), that you supplement your response to EPA within ten (10) days of discovering such information. If at any time after the submission of this response, you discover or believe that any portion of the submitted information is incomplete or misrepresents the truth, notify Mary Jane O'Donnell of this fact as soon as possible and provide EPA with a corrected response. Provide a separate numbered response to each numbered paragraph or subparagraph below. **To the extent that you believe that you have answered a question in another section, please refer to the section and answer you have provided.**

## QUESTIONS

1. Provide a detailed explanation of the actions you have taken to comply with the requirements of the Notice of Violation and Administrative Order ("Order"), which EPA issued on July 30, 2014. The compliance requirements are contained in paragraph 26(a) and (b) of the Order. Specify the dates on which you took action to comply with the Order, and provide any documentation you may have that supports your answer.
2. If you have corrected any of the potentially dangerous conditions listed in paragraph 16 of the Order, specify what actions you took to correct those conditions. Specify the dates on which you took such actions, and provide any supporting documentation.
3. State what actions you have taken to improve the safety of the outdoor ammonia receiver. Specify the dates on which you took such action, and provide any supporting documentation.
4. Provide the following information about the ammonia release that occurred on December 11, 2014:
  - a. How much chemical was released?
  - b. How was the quantity determined?
  - c. Who made the determination about the amount? Provide the name, e-mail address, and mailing address of this person.
  - d. Who at the company was made aware of the release?
  - e. Who made the notification to authorities?
  - f. Did the release go off-site? If so, please describe.
  - g. Were there any injuries, hospitalizations, or medical evaluations? Please describe.
  - h. What was the cause of the release, and what effort have you taken to prevent a similar future release?
  - i. Did you report this release pursuant to CERCLA Section 103, 42 U.S.C. §9603, or Section 304 of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. § 11004? Please describe.